

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)**

In re:)	
)	Case No.: 06-31986
JOSEPH GREGORY JEMSEK,)	
)	Chapter 11
Debtor.)	
)	
BLUE CROSS AND BLUE SHIELD OF)	
NORTH CAROLINA)	
)	
Plaintiff,)	
)	Adv. Pro. No. 07-_____
v.)	
)	
JEMSEK CLINIC, P.A. and JOSEPH G.)	
JEMSEK, M.D., an individual)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

Dr. Joseph Gregory Jemsek ("Dr. Jemsek"), a debtor in the above-captioned Chapter 11 bankruptcy case and a defendant to a civil proceeding in the Superior Court Division of the General Court of Justice of Mecklenburg County, North Carolina (the "Mecklenburg County Superior Court"), hereby gives this Notice of Removal of such civil proceeding pursuant to 28 U.S.C. §§ 157(b), 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure. In support thereof, Dr. Jemsek respectfully shows as follows:

- (1) On November 20, 2006 (the "Petition Date"), Dr. Jemsek filed in this Court a petition seeking relief under Chapter 11 of the Bankruptcy Code.
- (2) Dr. Jemsek continues in possession of his property.

(3) On the date such petition was filed, a civil suit was pending against Dr. Jemsek in the Mecklenburg County Superior Court captioned *Blue Cross and Blue Shield of North Carolina v. Jemsek Clinic, P.A. & Joseph G. Jemsek, M.D.*, No. 06-CVS-18432 (the "Suit").

(4) This Notice of Removal of the Suit is made within ninety days of the Petition Date, within the time period specified in Rule 9027(a)(2)(A) of the Federal Rules of Bankruptcy Procedure.

(5) This Court is the court and division thereof embracing the place where the Suit is pending. Therefore, the Suit may be removed to this Court pursuant to Rule 9027(a) of the Federal Rules of Bankruptcy Procedure.

(6) The Suit seeks damages from Dr. Jemsek related to an alleged breach of contract established for reimbursement of medical services provided by the debtor. Dr. Jemsek anticipates asserting counterclaims in the Suit alleging among other claims, breach of contract, unfair trade practices and defamation. As such, the Suit involves property of the debtor, is a civil proceeding arising in or related to a case under Title 11 of the United States Code and is one over which this Court has jurisdiction under 28. U.S.C.A. § 1334.

(7) The other parties to the Suit and their counsel are as follows:

Blue Cross and Blue Shield of North Carolina

L.D. Simmons, II
Stephen D. Allred
Mark W. Kinghorn
Helms, Mulliss & Wicker, PLLC
210 North Tryon Street
Charlotte, NC 28202

Jemsek Clinic, P.A.

Travis W. Moon
Adrianne Huffman
Hamilton Moon Stephens Steele & Martin

201 S. College Street, Suite 2020
Charlotte, NC 28244

(8) The Jemsek Clinic, P.A., which is a co-defendant in the Suit and has also commenced a Chapter 11 bankruptcy case in this Court (*In re Jemsek Clinic, P.A.*, Case No. 06-31766), is also filing a notice of removal of the Suit to this Court.

(9) True and correct copies of process, pleadings and orders from the Suit are filed concurrently with this Notice of Removal as **Exhibit A**.

(10) This is a non-core proceeding pursuant to 28 U.S.C.A. § 157(b).


(11) Dr. Jemsek does not consent to the entry of a final order/judgment by the Bankruptcy Court in the Suit.

(12) A copy of this Notice of Removal will be promptly served on all parties to the Suit, and filed with the Clerk of the Mecklenburg County Superior Court.

WHEREFORE, Dr. Jemsek gives notice of the removal of the Suit, and prays that this Court issue such orders and process as may be necessary to bring before it all parties to this matter.

Dated January 22, 2007

GRIER FURR & CRISP, P.A.



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704-375-3720
Attorneys for Joseph G. Jemsek, M.D.

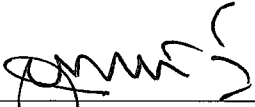
Certificate of Service

I hereby certify that on January 23, 2007, I served a copy of the foregoing Notice of Removal on the following via electronic case filing and by certified mail, return receipt requested. Such Notice included copies of all process and pleadings herein.

L.D. Simmons, II
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402 West Trade Street, Suite 200
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Counsel for Dr. Jemsek